

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: District 4

AGENDA DATE: August 2, 2011

CONTACT PERSON/PHONE: Representative Carl L. Robinson, 915-541-4140

DISTRICT(S) AFFECTED: 4

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action to issue a release of lien(s) at 5613, 5617 and 5621 Ranchito.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

On May 29, 2007 and July 25, 2008, property liens were placed at 5613, 5617 and 5621 Ranchito. These properties are open, undeveloped lots. The records of the El Paso Central Appraisal District correctly reflect ownership of said lots to Daniel Sanchez and provide a mailing address best described as 5412 Marie Tobin Drive, El Paso, Texas 79924-7227. Notices provided by the City of El Paso Code Enforcement were mailed via certified mail, return receipt requested, to the actual physical addresses of said lots and not to Mr. Sanchez' home address and because they were mailed to the lots, they were unclaimed by Mr. Sanchez.

Sometime in April or May of 2011, Mr. Sanchez received a statement from Environmental Services, which was mailed to his home address at 5412 Marie Tobin, El Paso, Texas 79924-7227, informing him of the liens and the balance due and owing. On May 5, 2011, Mr. Sanchez contacted Environmental Services to question the statement and it was at this time that Mr. Sanchez was notified of the clean up rendered by the City of El Paso of the properties in question. Mr. Sanchez then contacted his District Representative for assistance and met with Representative Robinson and Ms. Ellen Smyth, Director of Environmental Services on May 11, 2011. Mr. Sanchez acknowledged his responsibility to pay for the services rendered by the City of El Paso's Environmental Services Department; however, did not agree that the interests and court fees that had incurred over the years was his obligation to pay as Environmental Services failed to properly notify him at his home address. Upon completion of this meeting, Mr. Sanchez presented Ms. Smyth with his check #4306 in the amount of \$1,256.80 to cover the cost of the clean up, leaving a balance of the interest charges and court fees that have incurred over the years, a balance of \$400.46.

City Legal has reviewed the file and determined that all City protocol was properly followed in accordance with the Ordinance – thus the lien cannot be released without payment.

Mr. Sanchez contacted Environmental Services to see if they would waive the interest portion of the amount due for the consequences of their error and they declined. Thus Mr. Sanchez is forced to pay the remaining portion of the lien in the amount of \$400.46 or convince City Council to release it.

According to the Texas State Statute Section 342.006: Work or Improvements by Municipality Notice, the notice must be given:

1. personally to the owner in writing;
2. by letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
3. if personal service cannot be obtained:
 - A. by publication at least once;
 - B. by posting the notice on or near the front door of each building on the property to which the violation relates; or
 - C. by posting the notice on the placard attached to a stake driven into the ground on the property to which the violation relates.

To date, neither of the above was properly executed and is the reason that Mr. Sanchez is respectfully requesting that members of City Council waive the balance due, which consists of liens and court fees in the amount of \$400.46.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

NO

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

Texas Health & Safety Code - Section 342.007. Assessment Of Expenses; Lien

§ 342.007. ASSESSMENT OF EXPENSES; LIEN. (a) The governing body of a municipality may assess expenses incurred under Section 342.006 against the real estate on which the work is done or improvements made.

(b) To obtain a lien against the property, the mayor, municipal health authority, or municipal official designated by the mayor must file a statement of expenses with the county clerk of the county in which the municipality is located. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.

(c) The lien obtained by the municipality's governing body is security for the expenditures made and interest accruing at the rate of 10 percent on the amount due from the date of payment by the municipality.

(d) The lien is inferior only to:

(1) tax liens; and

(2) liens for street improvements.

(e) The governing body of the municipality may bring a suit for foreclosure in the name of the municipality to recover the expenditures and interest due.

(f) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the

municipality in doing the work or making the improvements.

(g) The remedy provided by this section is in addition to the remedy provided by Section 342.005.

(h) The governing body of a municipality may foreclose a lien on property under this subchapter in a proceeding relating to the property brought under Subchapter E, Chapter 33, Tax Code.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 921, § 2, eff. Aug. 30, 1993; Acts 1995, 74th Leg., ch. 1017, § 4, eff. Aug. 28, 1995.

Section: [Previous](#) [341.105](#) [342.001](#) [342.002](#) [342.003](#) [342.004](#) [342.005](#) [342.006](#)
[342.007](#) [342.008](#) [342.021](#) [342.022](#) [343.002](#) [343.003](#) [343.011](#) [343.0111](#) [Next](#)

Last modified: August 11, 2007

TEX HS. CODE ANN. § 342.006 : Texas Statutes - Section 342.006: WORK OR IMPROVEMENTS BY MUNICIPALITY; NOTICE

Search TEX HS. CODE ANN. § 342.006 : Texas Statutes - Section 342.006: WORK OR IMPROVEMENTS BY MUNICIPALITY; NOTICE

- Search by Keyword or Citation

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(a) If the owner of property in the municipality does not comply with a municipal ordinance or requirement under this chapter within seven days of notice of a violation, the municipality may:

- (1) do the work or make the improvements required; and
- (2) pay for the work done or improvements made and charge the expenses to the owner of the property.

(b) The notice must be given:

- (1) personally to the owner in writing;
- (2) by letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (3) if personal service cannot be obtained:

(A) by publication at least once;

(B) by posting the notice on or near the front door of each building on the property to which the violation relates; or

(C) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(c) If a municipality mails a notice to a property owner in accordance with Subsection (b), and the United States Postal Service returns the notice as "refused" or "unclaimed," the

validity of the notice is not affected, and the notice is considered as delivered.

(d) In a notice provided under this section, a municipality may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the municipality without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the municipality has not been informed in writing by the owner of an ownership change, then the municipality without notice may take any action permitted by Subsections (a)(1) and (2) and assess its expenses as provided by Section 342.007.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 252, Sec. 1, eff. June 5, 1991; Acts 1993, 73rd Leg., ch. 921, Sec. 1, eff. Aug. 30, 1993; Acts 1999, 76th Leg., ch. 209, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 413, Sec. 2, eff. Sept. 1, 2001.

El Paso CAD**Property Search Results > 27557 SANCHEZ DANIEL M for Year 2011****Property****Account**

Property ID: 27557 Legal Description: LOS RANCHITOS LOT 65
 Geographic ID: L78999900006500 Agent Code:
 Type: Real

Location

Address: 5613 RANCHITO AVE Mapsco:
 EL PASO, TX
 Neighborhood: Map ID: NEA67
 Neighborhood CD: CL78908165

Owner

Name: SANCHEZ DANIEL M Owner ID: 45091
 Mailing Address: 5412 MARIE TOBIN DR % Ownership: 100.0000000000%
 EL PASO, TX 79924-7227

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$4,204	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$4,204	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$4,204	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$4,204	

Taxing Jurisdiction

Owner: SANCHEZ DANIEL M
 % Ownership: 100.0000000000%
 Total Value: \$4,204

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	CENTRAL APPRAISAL DISTRICT	0.000000	\$4,204	\$4,204	\$0.00
CEP	CITY OF EL PASO	0.653700	\$4,204	\$4,204	\$27.48
G01	EL PASO COUNTY	0.363403	\$4,204	\$4,204	\$15.28
IEP	EL PASO I.S.D.	1.235000	\$4,204	\$4,204	\$51.92
SCC	EL PASO COMMUNITY COLLEGE	0.107329	\$4,204	\$4,204	\$4.51
SHO	UNIVERSITY MEDICAL CENTER OF EL PASO	0.182124	\$4,204	\$4,204	\$7.66
Total Tax Rate:		2.541556			
Taxes w/Current Exemptions:					\$106.85

Taxes w/o Exemptions: \$106.85

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L789R08165	L789R08165	0.1401	6103.50	0.00	0.00	\$4,204	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2011	\$0	\$4,204		0	4,204	\$0 \$4,204
2010	\$0	\$4,204		0	4,204	\$0 \$4,204
2009	\$0	\$4,204		0	4,204	\$0 \$4,204
2008	\$0	\$4,203		0	4,203	\$0 \$4,203
2007	\$0	\$4,203		0	4,203	\$0 \$4,203
2006	\$0	\$4,203		0	4,203	\$0 \$4,203

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
1	1/1/2000 12:00:00 AM	UNK	UNKNOWN		TRILLANES, M A	0000	0000
2	12/18/1999 12:00:00 AM	W	Warranty Deed	TRILLANES M A	SANCHEZ DANIEL	3710	1160

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Information relating to 2011 should be considered a "work in progress". Prior year data is informational only and does not necessarily replicate the values certified to the tax office.

Building and land detail information is not available prior to 2009.

Questions Please Call (915) 780-2000

Website version: 1.2.2.2

Database last updated on: 7/28/2011 2:33 AM

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This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

El Paso CAD**Property Search Results > 157109 SANCHEZ DANIEL M for Year 2011****Property****Account**

Property ID: 157109 Legal Description: LOS RANCHITOS LOT 66
 Geographic ID: L78999900006600 Agent Code:
 Type: Real

Location

Address: 5617 RANCHITO AVE Mapsco:
 EL PASO, TX
 Neighborhood: Map ID: NEA67
 Neighborhood CD: CL78908165

Owner

Name: SANCHEZ DANIEL M Owner ID: 45091
 Mailing Address: 5412 MARIE TOBIN DR % Ownership: 100.0000000000%
 EL PASO, TX 79924-7227

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$4,204	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$4,204	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$4,204	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$4,204	

Taxing Jurisdiction

Owner: SANCHEZ DANIEL M
 % Ownership: 100.0000000000%
 Total Value: \$4,204

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	CENTRAL APPRAISAL DISTRICT	0.000000	\$4,204	\$4,204	\$0.00
CEP	CITY OF EL PASO	0.653700	\$4,204	\$4,204	\$27.48
G01	EL PASO COUNTY	0.363403	\$4,204	\$4,204	\$15.28
IEP	EL PASO I.S.D.	1.235000	\$4,204	\$4,204	\$51.92
SCC	EL PASO COMMUNITY COLLEGE	0.107329	\$4,204	\$4,204	\$4.51
SHO	UNIVERSITY MEDICAL CENTER OF EL PASO	0.182124	\$4,204	\$4,204	\$7.66
Total Tax Rate:		2.541556			
Taxes w/Current Exemptions:					\$106.85

Taxes w/o Exemptions: \$106.85

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L789R08165	L789R08165	0.1401	6103.50	0.00	0.00	\$4,204	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2011	\$0	\$4,204		0	4,204	\$0
2010	\$0	\$4,204		0	4,204	\$0
2009	\$0	\$4,204		0	4,204	\$0
2008	\$0	\$4,203		0	4,203	\$0
2007	\$0	\$4,203		0	4,203	\$0
2006	\$0	\$4,203		0	4,203	\$0

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
1	1/1/2000 12:00:00 AM	UNK	UNKNOWN		TRILLANES, M A	0000	0000
2	12/18/1999 12:00:00 AM	W	Warranty Deed	TRILLANES M A	SANCHEZ DANIEL	3710	1160

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El Paso CAD**Property Search Results > 241329 SANCHEZ DANIEL M for Year 2011****Property****Account**

Property ID: 241329 Legal Description: LOS RANCHITOS LOT 67
 Geographic ID: L78999900006700 Agent Code:
 Type: Real

Location

Address: 5621 RANCHITO AVE Mapsco:
 EL PASO, TX
 Neighborhood: Map ID: NEA67
 Neighborhood CD: CL78908165

Owner

Name: SANCHEZ DANIEL M Owner ID: 45091
 Mailing Address: 5412 MARIE TOBIN DR % Ownership: 100.0000000000%
 EL PASO, TX 79924-7227

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$4,204	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$4,204	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$4,204	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$4,204	

Taxing Jurisdiction

Owner: SANCHEZ DANIEL M
 % Ownership: 100.0000000000%
 Total Value: \$4,204

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	CENTRAL APPRAISAL DISTRICT	0.000000	\$4,204	\$4,204	\$0.00
CEP	CITY OF EL PASO	0.653700	\$4,204	\$4,204	\$27.48
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SCC	EL PASO COMMUNITY COLLEGE	0.107329	\$4,204	\$4,204	\$4.51
SHO	UNIVERSITY MEDICAL CENTER OF EL PASO	0.182124	\$4,204	\$4,204	\$7.66
Total Tax Rate:		2.541556			
Taxes w/Current Exemptions:					\$106.85

Taxes w/o Exemptions: \$106.85

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L789R08165	L789R08165	0.1401	6103.50	0.00	0.00	\$4,204	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2011		\$0	\$4,204	0	4,204	\$0 \$4,204
2010		\$0	\$4,204	0	4,204	\$0 \$4,204
2009		\$0	\$4,204	0	4,204	\$0 \$4,204
2008		\$0	\$4,203	0	4,203	\$0 \$4,203
2007		\$0	\$4,203	0	4,203	\$0 \$4,203
2006		\$0	\$4,203	0	4,203	\$0 \$4,203

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
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2	12/18/1999 12:00:00 AM	W	Warranty Deed	TRILLANES M A	SANCHEZ DANIEL	3710	1160

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